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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,490	12/08/2000	Richard E. Rowe	29757/P-346	2394

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EXAMINER

ENATSKY, AARON L

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 02/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/733,490

Applicant(s)

ROWE, RICHARD E.

Examiner

Aaron L Enatsky

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-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Examiner acknowledges receipt of amendment on 12/13/02. The arguments set forth in the response are addressed herein below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 31-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over EZ Pay System (Hereafter, EZ) in view of US Patent No. 5,056,141 to Dyke and further in view of US Patent No. 5,995,630 to Borza. In re 1-2, 7, 13 and 22, EZ through Applicants disclosure teach of a casino gambling system having a server, a clerk validation terminal, a plurality of casino gambling units, a cashier computer, and a ticket reader (Fig. 1 and Page 1-2 of Applicant's disclosure). Each of these items have components well known to those skilled in the art, such as credit-input, value dispenser, validation controller, display, and game controller. Further the games disclosed are commonly found casino games such as video poker, blackjack, and slot. Variations of the game system claimed by applicant remove the clerk validation terminal, which is also supported by EZ. EZ is lacking a cashier transaction device that is capable of supporting user authentication through the use of biometric controls, which would replace traditional user system authentication by a password or similar method. Dyke teaches a biometric access/restriction solution applicable in with respect to financial accounts as well as other stored

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sensitive data (1:10-16). The various biometric techniques employed to verify user access are retinal pattern, finger, and voiceprint scanning (1:33-35). Evidence to support the combination of EZ in view of Dyke can be seen as EZ is concerned with access security as is the entire gaming industry, and Dyke is concerned with general access protection in various field, which include financial accounts. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify EZ's authentication system to include biometric scanning in the cashier controller as taught by Dyke to increase financial transaction security and prevent unauthorized system access. EZ in view of Dyke do not however teach using multiple biometric inputs to generate composite digital data and the composite combination generated by averaging image data. Borza teaches biometric input as a method of access and using a computer (Claim 1). Borza further teaches that as a single image often provides poor image quality, biometric input data is gathered using more than one image to generate an image composite (13:31-55). The composite image data is generated by averaging the captured biometric digital images, which is well known in the art of digital image processing (13:47-55). One would be motivated to modify EZ in view of Dyke to include the averaged biometric image data taught by Borza, to increase the likelihood of a positive match and decrease system errors from poor images.

In re claim 3-6, 8-11, 14-16, and 23-25 as is discussed above, the biometric system uses retinal pattern, finger, and voiceprint scanning, obviating the use of a fingerprint scanner, eye scanner, camera, and microphone.

In re claim 12, 17, and 26, voiceprint scanning would require comparison to previously stored voiceprints, therefore obvious to one of ordinary skill that the voiceprint would need to be digitized for comparison purposes.

In re claim 18-19, and 27-28, capturing a plurality of biometric data sets is claimed, whereas Dyke teaches meeting one or more of the biometric criteria for authentication (1:22-23).

In re claim 20-21 and 29-30, Dyke teaches the biometric system for granting access to personnel (1:11-16).

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Scott et al. '255 teaches generating composite biometric data using image data averaging.

Response to Arguments

1. Applicant's arguments with respect to claims 31-51 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron L Enatsky whose telephone number is 703-305-3525. The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Aaron Enatsky
February 14, 2003


JESSICA HARRISON
PRIMARY EXAMINER